

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**SEAN MCCORMACK,**

**Plaintiff**

**v.**

**MARVIN LIVERGOOD,**

**Defendant**

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**CIVIL ACTION NO. 3:17-0407**

**(JUDGE MANNION)**

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1)** Defendant Livergood's motion for summary judgment, **(Doc. 22)**, with respect to Counts One and Two of the plaintiff's complaint, **(Doc. 1)**, is **GRANTED**;
- (2)** Judgment is entered in favor of defendant Livergood and against plaintiff McCormack with respect to Counts One and Two;
- (3)** The court declines to exercise supplemental jurisdiction over plaintiff's state law claims against defendant Livergood contained in Counts Five and Six of his complaint, and these claims are **DISMISSED WITHOUT PREJUDICE**; and

(4) The clerk of court is directed to **CLOSE** this case.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: November 7, 2018**

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